

The Role of Enforcement In Addressing National Priorities List Sites

Who Is Liable for Superfund Cleanups?

- T Current owners/operators of the site.
- T Prior owners/operators at the time of disposal.
- T Persons who arranged for disposal at the site.
- T Persons who accepted hazardous substances for transport to the site.

What are parties liable for?

- T Take actions to response to a actual or threatened release of hazardous substances that may present an imminent and substantial endangerment (CERCLA Section 106)
- T Reimbursement of:
 - T all costs of removal or remedial action not inconsistent with the National Contingency Plan (NCP),
 - T Other necessary response costs incurred consistent with the NCP
 - T Natural resource damages.

What is meant by strict, joint and several, and retroactive liability?

- **Strict Liability:** Liable for acts regardless of care exercised or legality at the time committed.
- **Joint and Several Liability:** Liable for entire cleanup regardless of amount contributed.
- **Retroactive Liability:** Liable for acts prior to the passage of CERCLA in 1980.

Potentially Responsible Parties contribute significantly to Superfund cleanups since the “Enforcement First” policy in 1990!

- Since 1990, PRPs have initiated have approximately 70% of the long-term cleanups at non-Federal sites on the NPL.
- This compares to less than 30% PRP-lead long-term cleanups in the late 1980s.

Since 1993, EPA has implemented Enforcement Reforms have been implement to encourage settlement with PRPs, reduce transaction costs, and facilitate re-use of Superfund Sites.

- Such Reforms have included:
 - T Orphan Share Compensation Policy
 - T *De minimis and de micromis* settlement policies
 - T Municipal Solid Waste Settlement Policy
 - T Ability-to-Pay Guidance
 - T Prospective Purchaser Guidance
 - T Comfort Letter Policy

Superfund Enforcement Leverages Trust Fund Dollars and Helps Replenish the Fund.

	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	Program to Date
Value of PRP response work (Work & Cashouts)	\$888.5	\$451.5	\$806.2	\$552.5	\$1335.5	\$1,329.1	\$16.5 Billion
Value of CR settlements	\$451.6	\$158.1	\$229.6	\$232.8	\$145.8	\$413.6	\$3.5 Billion
Total Value of PRP commitments	\$1,340.1	\$609.6	\$1,035.8	\$785.3	\$1,481.3	\$1,742.7	\$20 Billion
CR collections returned to Treasury	\$248.9	\$313.3	\$319.6	\$319.7	\$230.5	\$202.1	\$2.8 Billion
Funds collected in special accounts				\$87	\$80	\$311.0	\$878 Million
Interest earned on special accounts							\$135 Million
Total Funds in treasury accounts				\$406.7	\$310.5	\$513.1	\$3. 8 Billion

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